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AUG 20 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY



NATIONAL VOICE LOCAL VISION

JOHN M. LAWSON
President & CEO

August 20, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *CS Docket No. 00-96; In the Matter of Implementation of
the Satellite Home Viewer Improvement Act of 1999;
Broadcast Signal Carriage Issues
Notice of Ex Parte Communication*

Dear Ms. Salas:

On August 20, 2001, Marilyn Mohrman-Gillis and Aaron Heffron of America's Public Television Stations on behalf of their member noncommercial broadcast stations, met with Kenneth Ferree, Deborah Klein, Ron Parver, and Tom Horan to discuss SHVIA carriage request issues.

We presented the participants with the results of a survey conducted by APTS on the carriage responses from Direct TV and EchoStar to APTS member public television stations under the SHVIA. We also provided the participants with sample response letters from both Direct TV and EchoStar. These are attached hereto.

In our discussion, we highlighted that EchoStar denied carriage in numerous instances based on grounds that did not appear to be well founded. For example, EchoStar denied carriage based on failure to prove that the signal meets legal standards in numerous instances in which the receive facility was within the station's Grade A contour and in other instances in which Direct TV determined that the station's signal delivered to the same receive facility satisfied the legal standard.

No. of Copies rec'd 0
LIST A B C D E

The Association of America's
Public Television Stations

1350 Connecticut Avenue, NW
Suite 200
Washington, DC 20036

tel 202-887-1700 fax 202-293-2422
website www.pts.org

We also made several suggestions regarding clarifying the carriage request and complaint procedures. These include:

1. The Commission should clarify that the clock on the 60 day period stations have to file a complaint at the FCC regarding a denial of carriage starts on the date of the satellite carrier's response to the station's protest letter, rather than on the date of the carrier's initial letter denying carriage.
2. With regard to the good quality signal, the Commission should clarify that the DBS operator must, in its initial carriage denial letter, establish a good faith reason for a denial of carriage based on failure to deliver a good quality signal.
3. With respect to substantial duplication, a carrier should be required to disclose in its initial carriage denial letter which other station or stations in the market it claims substantially duplicates the station's programming and state that it intends to carry the other station or stations.

Sincerely,

A handwritten signature in black ink, reading "Marilyn Mohrman-Gillis". The signature is fluid and cursive, with the first name "Marilyn" being the most prominent.

Marilyn Mohrman-Gillis
Vice president, policy and legal affairs

cc: Kenneth Ferree
Deborah Klein
Ron Parver
Tom Horan

Public Television DBS Carriage Survey

Preliminary Findings (August, 17, 2001)

	Number	Percentage
Stations Responding to Survey*	146	100%
Total Number of Stations Rejected for Carriage by Either DirecTV or Echostar	132	90%
<u>Reasons for Rejections</u>		
Lack of Quality Signal	71	54%
Substantial Duplication in Market	54	41%
Not a Local-to-Local Market	57	43%
Not Using Copyright License	1	1%
Failure to Specify a Community of License	13	10%
Applications Rejected by DirecTV	60	41%
<u>Reasons for Rejections</u>		
Lack of Quality Signal	18	30%
Substantial Duplication in Market	6	10%
Not a Local-to-Local Market	38	63%
Not Using Copyright License	1	2%
Failure to Specify a Community of License	0	0%
Applications Rejected by Echostar	104	71%
<u>Reasons for Rejections</u>		
Lack of Quality Signal	67	64%
Substantial Duplication in Market	56	54%
Not a Local-to-Local Market	39	38%
Not Using Copyright License	1	1%
Failure to Specify a Community of License	13	13%
Still Awaiting Decision from DirecTV	7	5%
Still Awaiting Decision from Echostar	15	10%

*Note:

Total Number of Stations Surveyed:

354

Total Number of Respondents

146

Current Response Rate

41%



Example Letters to Stations from Echostar and DirecTV (August 20, 2001)

Letter of Rejection and Station Response: WETA. Washington, DC

Letters of Rejection from Both DirecTV and Echostar

KL VX, Las Vegas, NV
KR CB, El Segundo, CA

Letters of Acceptance from DirecTV and Rejection from Echostar

WT VS, Detroit, MI
WE AO, Akron, OH
WC ET, Cincinnati, OH
KL RU, Austin, TX
WH YY, Philadelphia, PA

August 9, 2001

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Eric Sahl
Director of Programming
EchoStar Communications Corporation
5701 South Santa Fe Drive
Littleton, Colorado 80120

Re: WETA-TV, Washington, D.C.

Dear Mr. Sahl:

We have received your letter of July 30, 2001, responding to the June 4, 2001, mandatory carriage election notice we provided to EchoStar Communications Corporation on behalf of our television station WETA-TV, Channel 26, Washington, D.C. (the "Station"). We are enclosing copies of both letters for your convenience.

Your letter purports to reject our must-carry election for WETA-TV on the basis of three reason(s). In our view, these reasons do not support a rejection under the regulations.

First, you inaccurately assert that we failed to identify the Station's community of license. In fact, the second sentence of the election letter provided EchoStar with this information.

Second, you claim that EchoStar has reason to believe that WETA-TV substantially duplicates the programming of another station in the DMA, although you fail to identify such other station or the basis for this belief. WETA-TV is the predominant noncommercial educational television station in the greater Washington, D.C. market. If EchoStar plans to carry the signal of another noncommercial educational television station in the DMA, please identify the station and the specific reasons you believe that WETA-TV substantially duplicates the programming of that station.

Third, you indicate that we failed to prove that the Station's signal meets the legal standard of quality necessary for mandatory carriage. No such requirement exists. Rather, licensees of noncommercial educational television stations in "served markets" were required only to provide a must-carry request prior to July 1, 2001, and provide certain identifying information. See 47 C.F.R. § 76.66(d)(1)(iii). We satisfied those requirements fully by providing you with the previously referenced June 4, 2001 letter.

Mr. Eric Sahl
August 9, 2001
Page 2

Moreover, the FCC repeatedly has held that the burden of demonstrating poor signal quality falls on cable and satellite operators, not television stations. *See, e.g., Speer Communications Holdings Limited Partnership*, 12 FCC Rcd 17488, ¶ 6 (1997) ("the initial burden of demonstrating a lack of a good quality signal appropriately falls on the cable operator"). *See also Implementation of the Satellite Home Viewer Improvement Act of 1999*, 16 FCC Rcd 1918, ¶¶ 64 (2000) ("We decide to apply the current good quality signal standards applicable in the cable context to satellite carriers."); *Id.* at ¶ 71 ("We believe that the signal testing practices in the cable carriage context should be generally applied in the satellite carriage context.").

Finally, if necessary, it is the Station's intention to pay the costs of delivering a good quality signal to such local receive facility consistent with FCC requirements. However, we see no need to do so in this case, particularly because you have not identified to us the location of your receive facility in the market. In addition, the Station's signal on Channel 26 is strong throughout the DMA, and local cable operators generally have had little difficulty receiving an acceptable signal from the Station off-air.

The Station takes its statutory must-carry rights very seriously. If EchoStar fails to abide by its must-carry obligations, we of course will evaluate our rights, including the right to seek an order from the FCC directing EchoStar to abide by these obligations and imposing sanctions for the failure to do so earlier. *Cf. Cablevision Systems Corporation*, 15 FCC Rcd 3269 (FCC 2000). Because that effort would be counterproductive for both parties, we urge you to notify us within 15 days of this letter whether EchoStar intends to stand on its erroneous assertions or if it intends to comply with its legal obligations.

Very truly yours,

Lisa Lindstrom Delaney
General Counsel

Enclosures

cc: Todd D. Gray, Esq.
Dow, Lohnes & Albertson, PLLC



ECHOSTAR COMMUNICATIONS CORPORATION

July 30, 2001

Lisa Lindstrom Delaney
WETA
2775 S Quincy St
Arlington, VA 22206

Re: WETA Mandatory Carriage Election

Dear Ms. Delaney:

The above-referenced election for mandatory carriage made pursuant to the Satellite Home Viewer Improvement Act is rejected for the reason(s) set forth below:

- ☐ Duplicate Network Affiliate in Designated Market Area ("DMA")
- ☐ Duplicate Non-Network Affiliate Located in State other than State of DMA
- ☐ Election Postmarked after July 1, 2001 Deadline
- ☒ Failure to Prove Signal Meets Legal Standard of Quality Necessary for Mandatory Carriage
- ☐ Failure to Provide Affirmative Carriage Election
- ☒ Failure to Provide Community Of License
- ☐ Failure to Provide DMA Assignment
- ☐ Failure to Send Election via Certified Mail Return Receipt Requested
- ☐ Low Power & Class A Stations Not Entitled to Must Carry Election
- ☐ Must Carry Election Rescinded/Waived by Elector
- ☐ Nielsen DMA Assignment and Community of License not in DISH DMA
- ☒ *Substantial Duplication of Programming with Station in Same DMA
- ☐ Terms of Pre-existing Retransmission Consent Agreement

"We have reason to believe that your station "substantially duplicates" the signal of another station assigned to your DMA, as defined by applicable regulations. If you disagree, please identify in writing those reasons why substantial duplication does not in fact exist, within 15 calendar days of the date of this correspondence.

All inquiries may be directed to: must-carry@echostar.com.

Sincerely,

Eric Sahl
Director of Programming

/nr



ECHOSTAR COMMUNICATIONS CORPORATION

July 24, 2001

Tom Axtell
KLVX
4210 Channel 10 Drive
Las Vegas, NV 89119

Re: KLVX Mandatory Carriage Election

Dear Mr. Axtell:

The above-referenced election for mandatory carriage made pursuant to the Satellite Home Viewer Improvement Act is rejected for the reason(s) set forth below:

- ☐ Duplicate Network Affiliate in Designated Market Area ("DMA")
- ☐ Duplicate Non-Network Affiliate Located in State other than State of DMA
- ☐ Election Postmarked after July 1, 2001 Deadline
- ☒ Failure to Prove Signal Meets Legal Standard of Quality Necessary for Mandatory Carriage
- ☐ Failure to Provide Affirmative Carriage Election
- ☒ Failure to Provide Community of License
- ☐ Failure to Provide DMA Assignment
- ☒ Failure to Send Election via Certified Mail Return Receipt Requested
- ☐ Low Power & Class A Stations Not Entitled to Must Carry Election
- ☐ Must Carry Election Rescinded/Waived by Elector
- ☐ Nielsen DMA Assignment and Community of License not in DISH DMA
- ☐ Terms of Pre-existing Retransmission Consent Agreement

All inquiries may be directed to: must-carry@echostar.com.

Sincerely,

Eric Sahl
Director of Programming

/nr



July 25, 2001

Tom Axtell
KL VX 10
4210 Channel 10 Drive
Las Vegas, NV 89119

Dear Mr. Axtell:

We are in receipt of your letter requesting mandatory carriage for KL VX 10 in the Las Vegas NV local market.

Please be advised that DIRECTV is not providing secondary transmissions of any local television broadcast stations to subscribers within the Las Vegas NV DMA under Section 122 of Title 17, United States Code. In accordance with Section 338 (a) (1) of the Communications Act of 1934 and the Federal Communications Commission's Rules, DIRECTV thereby denies KL VX 10's request for mandatory carriage.

Any correspondence relating to this matter should be addressed to:

DIRECTV Local Into Local
2230 E. Imperial Highway
Mail Stop N344
El Segundo, CA 90245

Sincerely,

DIRECTV



July 25, 2001

KRCB TV
5850 Labath Avenue
Rohnert Park, CA 94928

Dear Sir or Madam:

We are in receipt of your letter requesting mandatory carriage for KRCB 22 in the San Francisco-Oakland-San Jose CA local market.

Please be advised that the over-the-air signal of KRCB 22 at our local receive facility in the San Francisco-Oakland-San Jose CA local market does not meet the good quality signal standard specified in the Federal Communications Commission's Report and Order, FCC 00-417. DIRECTV therefore denies the request of KRCB 22 for mandatory carriage via over-the-air reception at DIRECTV's local receive facility.

To gain carriage on DIRECTV, KRCB 22 is required to bear the cost of delivering a good quality signal to DIRECTV's local receive facility. Should you decide to deliver the signal of KRCB 22 by fiber, microwave or other direct means, please inform DIRECTV in writing by September 1, 2001 as to the delivery means. Signal delivery must be in place by October 15, 2001 to ensure carriage by January 1, 2002.

Technical questions and those related to the local receive facility can be forwarded by email to SHVIA-Tech@directv.com. Correspondence unrelated to the local receive facility should be sent to **DIRECTV Local Into Local**, 2230 E. Imperial Highway, Mail Stop N344, El Segundo, CA 90245.

Sincerely,

DIRECTV



ECHOSTAR COMMUNICATIONS CORPORATION

July 30, 2001

Nancy Dobbs
KRCB
5850 Labath Ave
Rohnert Park, CA 94928

Re: KRCB Mandatory Carriage Election

Dear Ms. Dobbs:

The above-referenced election for mandatory carriage made pursuant to the Satellite Home Viewer Improvement Act is rejected for the reason(s) set forth below:

- ☐ Duplicate Network Affiliate in Designated Market Area ("DMA")
- ☐ Duplicate Non-Network Affiliate Located in State other than State of DMA
- ☐ Election Postmarked after July 1, 2001 Deadline
- ☒ Failure to Prove Signal Meets Legal Standard of Quality Necessary for Mandatory Carriage
- ☐ Failure to Provide Affirmative Carriage Election
- ☐ Failure to Provide Community Of License
- ☐ Failure to Provide DMA Assignment
- ☐ Failure to Send Election via Certified Mail Return Receipt Requested
- ☐ Low Power & Class A Stations Not Entitled to Must Carry Election
- ☐ Must Carry Election Rescinded/Waived by Elector
- ☐ Nielsen DMA Assignment and Community of License not in DISH DMA
- ☒ *Substantial Duplication of Programming with Station in Same DMA
- ☐ Terms of Pre-existing Retransmission Consent Agreement

"We have reason to believe that your station "substantially duplicates" the signal of another station assigned to your DMA, as defined by applicable regulations. If you disagree, please identify in writing those reasons why substantial duplication does not in fact exist, within 15 calendar days of the date of this correspondence.

All inquiries may be directed to: must-carry@echostar.com.

Sincerely,

Eric Sahl
Director of Programming

/nr



EHOSTAR COMMUNICATIONS CORPORATION

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July 30, 2001

Dan Alpert
WTVS
7441 Second Avenue
Detroit, MI 48202-2796

Re: WTVS Mandatory Carriage Election

Dear Mr. Alpert:

The above-referenced election for mandatory carriage made pursuant to the Satellite Home Viewer Improvement Act is rejected for the reason(s) set forth below:

- ☐ Duplicate Network Affiliate in Designated Market Area ("DMA")
- ☐ Duplicate Non-Network Affiliate Located in State other than State of DMA
- ☐ Election Postmarked after July 1, 2001 Deadline
- ☒ Failure to Prove Signal Meets Legal Standard of Quality Necessary for Mandatory Carriage
- ☐ Failure to Provide Affirmative Carriage Election
- ☐ Failure to Provide Community Of License
- ☐ Failure to Provide DMA Assignment
- ☐ Failure to Send Election via Certified Mail Return Receipt Requested
- ☐ Low Power & Class A Stations Not Entitled to Must Carry Election
- ☐ Must Carry Election Rescinded/Waived by Elector
- ☐ Nielsen DMA Assignment and Community of License not in DISH DMA
- ☐ Terms of Pre-existing Retransmission Consent Agreement

All inquiries may be directed to: must-carry@echostar.com.

Sincerely,

Eric Sahl
Director of Programming

/nr

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July 25, 2001

Daniel Alpert
Detroit Public Television
7441 Second Avenue
Detroit, MI 48202

Dear Mr. Alpert:

We are in receipt of your letter requesting mandatory carriage for WTVS 56 in the Detroit MI local market.

We are pleased to inform you that DIRECTV will commence carriage of WTVS 56, in accordance with Section 338 of the Communications Act of 1934 and the Federal Communications Commission's Rules, by January 1, 2002 in the Detroit MI local market.

WTVS 56's over-the-air signal at our local receive facility in the Detroit MI local market meets the good quality signal standard specified in the Federal Communications Commission's Rules. We judge the subjective picture quality to be excellent, relative to the best off-air reception. The signals for some stations in your market are delivered to our local receive facility by TV-1 fiber, which provides picture quality superior to the best off-air reception. If you wish the quality of your signal carried by DIRECTV to compare favorably with these other stations in your market, we suggest that you provide your signal to our local receive facility by fiber, microwave, or other high-quality, reliable direct means. In accordance with the FCC's Rules, WTVS 56 would pay the cost of such delivery mechanisms.

Technical questions and those related to the local receive facility can be forwarded by email to SHVIA-Tech@directv.com. Correspondence unrelated to the local receive facility should be sent to **DIRECTV Local Into Local**, 2230 E. Imperial Highway, Mail Stop N344, El Segundo, CA 90245.

Sincerely,

DIRECTV



ECHOSTAR COMMUNICATIONS CORPORATION

July 30, 2001

William E. Glaeser
WEAO
1750 Campus Center Dr
PO Box 5191
Kent, OH 44240-5191

Re: WEAO Mandatory Carriage Election

Dear Mr. Glaeser:

The above-referenced election for mandatory carriage made pursuant to the Satellite Home Viewer Improvement Act is rejected for the reason(s) set forth below:

- ☐ Duplicate Network Affiliate in Designated Market Area ("DMA")
- ☐ Duplicate Non-Network Affiliate Located in State other than State of DMA
- ☐ Election Postmarked after July 1, 2001 Deadline
- ☒ Failure to Prove Signal Meets Legal Standard of Quality Necessary for Mandatory Carriage
- ☐ Failure to Provide Affirmative Carriage Election
- ☒ Failure to Provide Community Of License
- ☐ Failure to Provide DMA Assignment
- ☐ Failure to Send Election via Certified Mail Return Receipt Requested
- ☐ Low Power & Class A Stations Not Entitled to Must Carry Election
- ☐ Must Carry Election Rescinded/Waived by Elector
- ☐ Nielsen DMA Assignment and Community of License not in DISH DMA
- ☒ *Substantial Duplication of Programming with Station in Same DMA
- ☐ Terms of Pre-existing Retransmission Consent Agreement

*We have reason to believe that your station "substantially duplicates" the signal of another station assigned to your DMA, as defined by applicable regulations. If you disagree, please identify in writing those reasons why substantial duplication does not in fact exist, within 15 calendar days of the date of this correspondence.

All inquiries may be directed to: must-carry@echostar.com.

Sincerely,

Eric Sahl
Director of Programming

/nr



July 25, 2001

William Glaeser
Northeastern Educational Television of Ohio, Inc.
1750 Campus Center Drive
P.O. Box 5191
Kent, OH 44240

Dear Mr. Glaeser:

We are in receipt of your letter requesting mandatory carriage for WEO 49 in the Cleveland OH local market.

We are pleased to inform you that DIRECTV will commence carriage of WEO 49, in accordance with Section 338 of the Communications Act of 1934 and the Federal Communications Commission's Rules, by January 1, 2002 in the Cleveland OH local market.

WEO 49's over-the-air signal at our local receive facility in the Cleveland OH local market meets the good quality signal standard specified in the Federal Communications Commission's Rules. We judge the subjective picture quality to be excellent, relative to the best off-air reception. The signals for some stations in your market are delivered to our local receive facility by TV-1 fiber, which provides picture quality superior to the best off-air reception. If you wish the quality of your signal carried by DIRECTV to compare favorably with these other stations in your market, we suggest that you provide your signal to our local receive facility by fiber, microwave, or other high-quality, reliable direct means. In accordance with the FCC's Rules, WEO 49 would pay the cost of such delivery mechanisms.

Technical questions and those related to the local receive facility can be forwarded by email to SHVIA-Tech@directv.com. Correspondence unrelated to the local receive facility should be sent to **DIRECTV Local Into Local**, 2230 E. Imperial Highway, Mail Stop N344, El Segundo, CA 90245.

Sincerely,

DIRECTV



ECHOSTAR COMMUNICATIONS CORPORATION

July 30, 2001

Susan Howarth
WCET
1223 Central Pkwy
Cincinnati, OH 45214

Re: WCET Mandatory Carriage Election

Dear Ms. Howarth:

The above-referenced election for mandatory carriage made pursuant to the Satellite Home Viewer Improvement Act is rejected for the reason(s) set forth below:

- ☐ Duplicate Network Affiliate in Designated Market Area ("DMA")
- ☐ Duplicate Non-Network Affiliate Located in State other than State of DMA
- ☐ Election Postmarked after July 1, 2001 Deadline
- ☒ Failure to Prove Signal Meets Legal Standard of Quality Necessary for Mandatory Carriage
- ☐ Failure to Provide Affirmative Carriage Election
- ☒ Failure to Provide Community Of License
- ☐ Failure to Provide DMA Assignment
- ☐ Failure to Send Election via Certified Mail Return Receipt Requested
- ☐ Low Power & Class A Stations Not Entitled to Must Carry Election
- ☐ Must Carry Election Rescinded/Waived by Elector
- ☐ Nielsen DMA Assignment and Community of License not in DISH DMA
- ☒ *Substantial Duplication of Programming with Station in Same DMA
- ☐ Terms of Pre-existing Retransmission Consent Agreement

*We have reason to believe that your station "substantially duplicates" the signal of another station assigned to your DMA, as defined by applicable regulations. If you disagree, please identify in writing those reasons why substantial duplication does not in fact exist, within 15 calendar days of the date of this correspondence.

All inquiries may be directed to: must-carry@echostar.com.

Sincerely,

Eric Sahl
Director of Programming

/nr



July 25, 2001

Susan Howarth
WCET 48
1223 Central Parkway
Cincinnati, OH 45214

Dear Ms. Howarth:

We are in receipt of your letter requesting mandatory carriage for WCET 48 in the Cincinnati OH local market.

We are pleased to inform you that DIRECTV will commence carriage of WCET 48, in accordance with Section 338 of the Communications Act of 1934 and the Federal Communications Commission's Rules, by January 1, 2002 in the Cincinnati OH local market.

WCET 48's over-the-air signal at our local receive facility in the Cincinnati OH local market meets the good quality signal standard specified in the Federal Communications Commission's Rules. We judge the subjective picture quality to be excellent, relative to the best off-air reception. The signals for some stations in your market are delivered to our local receive facility by TV-1 fiber, which provides picture quality superior to the best off-air reception. If you wish the quality of your signal carried by DIRECTV to compare favorably with these other stations in your market, we suggest that you provide your signal to our local receive facility by fiber, microwave, or other high-quality, reliable direct means. In accordance with the FCC's Rules, WCET 48 would pay the cost of such delivery mechanisms.

Technical questions and those related to the local receive facility can be forwarded by email to SHVIA-Tech@directv.com. Correspondence unrelated to the local receive facility should be sent to **DIRECTV Local Into Local**, 2230 E. Imperial Highway, Mail Stop N344, El Segundo, CA 90245.

Sincerely,

DIRECTV



ECHOSTAR COMMUNICATIONS CORPORATION

July 30, 2001

John McCarroll
KLRU
PO Box 7158
Austin, TX 78713-7158

Re: KLRU Mandatory Carriage Election

Dear Mr. McCarroll:

The above-referenced election for mandatory carriage made pursuant to the Satellite Home Viewer Improvement Act is rejected for the reason(s) set forth below:

- ☐ Duplicate Network Affiliate in Designated Market Area ("DMA")
- ☐ Duplicate Non-Network Affiliate Located in State other than State of DMA
- ☐ Election Postmarked after July 1, 2001 Deadline
- ☒ Failure to Prove Signal Meets Legal Standard of Quality Necessary for Mandatory Carriage
- ☐ Failure to Provide Affirmative Carriage Election
- ☒ Failure to Provide Community of License
- ☐ Failure to Provide DMA Assignment
- ☐ Failure to Send Election via Certified Mail Return Receipt Requested
- ☐ Low Power & Class A Stations Not Entitled to Must Carry Election
- ☐ Must Carry Election Rescinded/Waived by Elector
- ☐ Nielsen DMA Assignment and Community of License not in DISH DMA
- ☐ Terms of Pre-existing Retransmission Consent Agreement

All inquiries may be directed to: must-carry@echostar.com.

Sincerely,

Eric Sahl
Director of Programming

/nr



July 25, 2001

Mary Beth Rogers
Capital of Texas Public Telecommunications Council
KLRU-TV
P.O. Box 7158
Austin, TX 78713

Dear Ms. Rogers:

We are in receipt of your letter requesting mandatory carriage for KLRU 18 in the Austin TX local market.

We are pleased to inform you that DIRECTV will commence carriage of KLRU 18, in accordance with Section 338 of the Communications Act of 1934 and the Federal Communications Commission's Rules, by January 1, 2002 in the Austin TX local market.

KLRU 18's over-the-air signal at our local receive facility in the Austin TX local market meets the good quality signal standard specified in the Federal Communications Commission's Rules. We judge the subjective picture quality to be good, with some noise, relative to the best off-air reception. The signals for some stations in your market are delivered to our local receive facility by TV-1 fiber, which provides picture quality superior to the best off-air reception. If you wish the quality of your signal carried by DIRECTV to compare favorably with these other stations in your market, we suggest that you provide your signal to our local receive facility by fiber, microwave, or other high-quality, reliable direct means. In accordance with the FCC's Rules, KLRU 18 would pay the cost of such delivery mechanisms.

Technical questions and those related to the local receive facility can be forwarded by email to SHVIA-Tech@directv.com. Correspondence unrelated to the local receive facility should be sent to **DIRECTV Local Into Local**, 2230 E. Imperial Highway, Mail Stop N344, El Segundo, CA 90245.

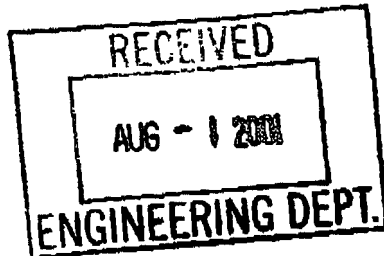
Sincerely,

DIRECTV



ECHOSTAR COMMUNICATIONS CORPORATION

July 30, 2001



John Doran
WHYY
Independence Mall West
150 N Sixth St
Philadelphia, PA 19106

Re: WHYY Mandatory Carriage Election

Dear Mr. Doran:

The above-referenced election for mandatory carriage made pursuant to the Satellite Home Viewer Improvement Act is rejected for the reason(s) set forth below:

- ☐ Duplicate Network Affiliate in Designated Market Area ("DMA")
- ☒ Duplicate Non-Network Affiliate Located in State other than State of DMA
- ☐ Election Postmarked after July 1, 2001 Deadline
- ☒ Failure to Prove Signal Meets Legal Standard of Quality Necessary for Mandatory Carriage
- ☐ Failure to Provide Affirmative Carriage Election
- ☐ Failure to Provide Community Of License
- ☐ Failure to Provide DMA Assignment
- ☐ Failure to Send Election via Certified Mail Return Receipt Requested
- ☐ Low Power & Class A Stations Not Entitled to Must Carry Election
- ☐ Must Carry Election Rescinded/Waived by Elector
- ☐ Nielsen DMA Assignment and Community of License not in DISH DMA
- ☒ *Substantial Duplication of Programming with Station in Same DMA
- ☐ Terms of Pre-existing Retransmission Consent Agreement

"We have reason to believe that your station "substantially duplicates" the signal of another station assigned to your DMA, as defined by applicable regulations. If you disagree, please identify in writing those reasons why substantial duplication does not in fact exist, within 15 calendar days of the date of this correspondence.

All inquiries may be directed to: must-carry@echostar.com.

Sincerely,

Eric Sahi
Director of Programming

/nr

cc: KYRA-
BILL W.

5701 S. Santa Fe Drive • Littleton, CO 80120

JUL 30 2001



July 25, 2001

Kyra McGrath
WHYY, Inc.
Independence Mall West
150 North Sixth Street
Philadelphia, PA 19106

*- Copies to
- Bill Weber
- Paul Gluck
- Sally Long - see p2*

Dear Ms. McGrath:

We are in receipt of your letter requesting mandatory carriage for WHYY 12 in the Philadelphia PA local market.

We are pleased to inform you that DIRECTV will commence carriage of WHYY 12, in accordance with Section 338 of the Communications Act of 1934 and the Federal Communications Commission's Rules, by January 1, 2002 in the Philadelphia PA local market.

WHYY 12's over-the-air signal at our local receive facility in the Philadelphia PA local market meets the good quality signal standard specified in the Federal Communications Commission's Rules. We judge the subjective picture quality to be excellent, relative to the best off-air reception. The signals for some stations in your market are delivered to our local receive facility by TV-1 fiber, which provides picture quality superior to the best off-air reception. If you wish the quality of your signal carried by DIRECTV to compare favorably with these other stations in your market, we suggest that you provide your signal to our local receive facility by fiber, microwave, or other high-quality, reliable direct means. In accordance with the FCC's Rules, WHYY 12 would pay the cost of such delivery mechanisms.

Technical questions and those related to the local receive facility can be forwarded by email to SHVIA-Tech@directv.com. Correspondence unrelated to the local receive facility should be sent to **DIRECTV Local Into Local**, 2230 E. Imperial Highway, Mail Stop N344, El Segundo, CA 90245.

Sincerely,

DIRECTV

2230 East Imperial Hwy. El Segundo, CA 90245 Phone 310 535 5000

A HUGHES COMPANY